

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Baise

DATE: 7-3-73

FROM : D. W. Bowers

SUBJECT: H. R. 8152

LEGISLATION TO AMEND THE
OMNIBUS CRIME CONTROL AND
SAFE STREETS ACT OF 1968

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____
Mr. Cleveland _____
Mr. Conrad _____
Mr. Gebhardt _____
Mr. Jenkins _____
Mr. Marshall _____
Mr. Miller, E.S. _____
Mr. Soyars _____
Mr. Thompson _____
Mr. Walters _____
Tele. Room _____
Mr. Baise _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Harrington _____
Mr. Conroy _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

The House and Senate have passed different versions of captioned legislation and a conference to work out the differences tentatively is scheduled for 7-11-73. One of the differences which greatly affects the FBI concerns an amendment offered by Congressman Robert McClory (R. - Ill.) to Section 404 which would eliminate statutory authority for the FBI's field police training program. This authority would be transferred by the McClory amendment to the National Institute of Law Enforcement and Criminal Justice. The Senate version eliminated the McClory amendment and leaves our authority as it currently exists. This matter has been discussed with a number of people on the Hill who will be concerned with the conference, including Congressman McClory, but he has indicated a determination to proceed in an effort to have his amendment stand. We also have made known our views concerning this matter to the Department of Justice by memorandum to the Attorney General of 6-26-73.

On 7-2-73, Frank Polk, Minority Counsel for the House Judiciary Committee, telephonically contacted me concerning this matter. We discussed at some length the background of this situation and I emphasized for him the fact that the FBI, contrary to what Congressman McClory has been stating, definitely does not support the McClory amendment; that we want the situation to remain as it is currently in law. I asked Polk if there is any showing anywhere on any record to indicate that the National Institute has the capability to take over and conduct any type of law enforcement training program. He said that as far as he knows there is no such record, adding that Congressman McClory has always responded in this regard by stating this is merely an appropriations problem. Polk stated that for years now Congressman McClory has had a grand design in his mind for a unified massive national law enforcement and criminal justice training program operated under the direction of the National Institute, and he feels his great dream has been continually blocked by the FBI. He indicated Congressman McClory has never particularly come to grips with any facts or reality concerning this matter and commented in confidence that he sees virtually no chance for McClory's position to be upheld in conference.

1 - Mr. Callahan
1 - Mr. Jenkins

1 - Mr. Mintz
1 - Mr. Brownfield

Mr. Bowers
JUL 11 1973

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D. W. Bowers to Mr. Baise Memo
RE: H. R. 8152

Polk stated he would like to obtain a few facts regarding our training programs, both the FBI National Academy and the field police training program, to have them available for the conference, commenting that it will be novel indeed to have a discussion based on facts since all discussions on this issue in the House up to this point have been based almost exclusively on the McClory theory. Polk said he would like to have the approximate size of the National Academy faculty and the budget for the National Academy and the field police training program plus any other facts available concerning the latter program. The following information was obtained from the Training and Administrative Divisions and furnished to Polk.

The National Academy faculty includes 68 Special Agents, three with doctoral degrees and three working toward their doctorates with all others either holding masters degrees or working toward them. The National Academy budget for 1972 was \$1,465,132 plus \$383,467 for special schools totaling \$1, 848,599; 1973, \$4,429,133 plus \$502,299 for special schools totaling \$4,931,432; 1974, \$7,787,517 plus \$797,895 for special schools totaling \$8,585,412. He was advised that the budget for the field police training program was: 1972, \$2,579,355; 1973, \$2,639,237; and 1974, \$2,681,240. He also was told that the attendance in the field police training program in 1972 was 308,828, and in 1973 was 319,995. Polk was advised that the FBI field police training program has been in existence for almost 37 years and the scope of the program has continued to grow; for example, the FBI participated in 71.5 percent more schools in 1973 (10,370) than in 1967 (6,045). He was advised the FBI has some 1,600 Agents in the field who have received special training to qualify them as police instructors.

Polk expressed his appreciation for this information.

RECOMMENDATION:

For information.

UNITED STATES GOVERNMENT

Memorandum

TO : The Director

DATE: 7-10-73

FROM : D. W. Bowers

SUBJECT: H. R. 8152;

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Mr. Baize _____
Mr. Barnes _____
Mr. Bowers _____
Mr. Herington _____
Mr. Conmy _____
Mr. Mintz _____
Mr. Eardley _____
Mrs. Hogan _____

Robert Blakey, Chief Counsel of the Senate Subcommittee on Criminal Laws and Procedures, contacted me late on 7-9-73 and stated he continues to receive reports that Congressman Robert McClory (R. - Ill.) is claiming that his amendment to transfer statutory authority to assist in local, state, and regional training schools from the FBI to the National Institute of Law Enforcement and Criminal Justice has the backing of the FBI and the Department of Justice. He also stated he has heard one report to the effect that McClory may have worked out an agreement with Congressman Peter W. Rodino, Jr., (D. - N.J.), Chairman of the House Committee on Judiciary, to support the McClory amendment. Blakey stated that it would be well to have in the hands of Senator John L. McClellan (D. - Ark.), Senate manager of captioned legislation, a communication from Director Kelley emphasizing the FBI's opposition to the McClory amendment. He said it might not be necessary to use such a letter from Mr. Kelley, but that he feels Senator McClellan would want all the ammunition possible should this matter come into strong conflict when the Senate and House conferees meet on this legislation on the morning of 7-11-73.

I advised Blakey that this matter has been discussed at some length with Congressman McClory, and it was made completely clear to the Congressman that neither the FBI nor the Department of Justice supports his amendment. Blakey commented that the reports he is now receiving may well emanate from remarks McClory made prior to his having been advised of the position of the FBI and the Department. (The discussion with Congressman McClory took place on 6-28-73.) I also advised Blakey that Jerome Zeifman, General Counsel of the House Committee on Judiciary, had indicated to me that Chairman Rodino did not support the McClory amendment. Blakey agreed it may well be that the reports he has received are intended to influence Senator McClellan so that he might be willing to compromise on other more controversial issues involved in captioned legislation when the conferees meet.

Enclosure

ENCLOSURE

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5 JUL 16 1973

1 - Mr. Jenkins - Enclosure

18 JUL 1973 - Mr. Brownfield - Enclosure

1 - Mr. Mintz - Enclosure

1 - Mr. Bowers

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D. W. Bowers to the Director
RE: H. R. 8152

I pointed out to Blakey that it would be contrary to long-established FBI policy for the Director of the FBI to take a position for or against a particular piece of legislation, and that as a matter of policy such statements should come from the Department of Justice. Blakey then requested that the possibility be explored whereby an official of the Department could send a letter to the Senator stating emphatically that neither the FBI nor the Department of Justice supports the McClory amendment. This matter was discussed with Hugh Durham in the Office of Legislative Affairs who concurred that Blakey's suggestion had merit and said he felt certain Assistant Attorney General Mike McKeivitt of the Office of Legislative Affairs would sign an appropriate letter to Senator McClellan. A proposed draft for McKeivitt's signature was furnished to Durham early on 7-10-73. This draft was coordinated with Section Chief Thomas J. Brownfield of the Training Division. Shortly after noon on 7-10-73, Durham advised McKeivitt had approved and signed the letter to Senator McClellan. Enclosed is a copy of the letter signed by McKeivitt which was sent to Senator McClellan.

RECOMMENDATION:

For information.

[Signature] WGL

Crack

Department of Justice
Washington, D.C. 20530

JUL 10 1973

Dear Senator McClellan:

There is a very basic difference in the Senate and House versions of H.R. 8152 concerning law enforcement training programs. The House version of this bill would eliminate Section 404(a)(3) of the Omnibus Crime Control and Safe Streets Act of 1968, which gives the FBI statutory authority to assist in conducting, at the request of state or local governments, an extensive field police training program. The House bill would transfer this authority to the National Institute of Law Enforcement and Criminal Justice by a change in Section 402(b)(6). The Senate version of this legislation makes no change in present law with respect to this matter.

The FBI for over 35 years has been engaged in assisting local and state police agencies in on-site training programs. FBI participation in such training schools has increased over 71 percent between fiscal years 1967, the year before the Omnibus Crime Control and Safe Streets Act was enacted, and 1973. During fiscal year 1973, FBI personnel assisted in 10,370 schools attended by 319,995 officers. FBI instruction at these schools totaled 91,156 hours.

The FBI has some 1600 Special Agents who have been specially trained as instructors. Wherever requested, the FBI has provided training assistance in basic, in-service, and specialized schools on the local, state, and regional levels.

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ENCLOSURE

The cooperative training programs now being conducted by the FBI and state and local law enforcement agencies under the provisions of Section 404(a)(3) are a proven success. The change in the law proposed in the House version of H.R. 8152 would transfer authority to assist local and state law enforcement agencies in their training endeavors from the FBI, with its years of experience and highly qualified staff of instructors, to the National Institute which has neither experience in this field nor any staff of instructors. There is serious doubt the FBI would continue its well-established and outstanding program of assistance in local, state, and regional law enforcement training schools should the House version of this legislation prevail. This would be a most serious setback to law enforcement in this country.

Both the Department of Justice and the FBI strongly support the Senate version of the above-mentioned portions of this legislation.

Cordially,

MIKE McKEVITT

Honorable John L. McClellan
United States Senate
Washington, D.C. 20510